

BILL NO. G-96-10-03

As Amended

GENERAL ORDINANCE NO. G- *Withdrawn*

AN ORDINANCE AMENDING CITY CODE
SECTION 40.09 AND REVISING THE
PROCEDURES FOR NEGOTIATING
COLLECTIVE BARGAINING AGREEMENTS
WITH NON-PUBLIC SAFETY UNIONS.

WHEREAS, a need exists to change the procedures by which collective bargaining agreements are negotiated with non-public safety unions; and

WHEREAS, the procedures outlined in Section 40.09 of the City Code are unnecessary, unproductive, and unduly expensive.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. City Code Section 40.09 is hereby repealed.

SECTION 2. A new City Code Section 40.09 is added to read as follows:

- and*
- (A) After completion of steps 1, 2 ~~and 3~~ in Section 40.08(A), and no agreement has been reached either to extend an existing agreement or to substitute a new agreement, impasse may be declared by either side. If impasse is declared, no further payroll deductions for union dues shall be made from the pay of any member of the bargaining unit involved in the impasse declaration. Furthermore, the City shall have no duty to arbitrate any grievances or related disputes that arise after any declaration of impasse.
 - (B) On behalf of the City, impasse may be declared by the Mayor, if a Civil City bargaining unit is involved, or by the Board of Public Works, if a City Utilities bargaining unit is involved. The President of any bargaining unit may declare impasse on behalf of the bargaining unit.
 - (C) Notice of any declaration of impasse must be given in writing to the other party and filed with the Clerk of the Common Council.
 - (D) No new economic conditions may be unilaterally imposed by management without the approval of the Common Council.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas E. Hayburn

Council Member


APPROVED AS TO FORM AND LEGALITY

J. Timothy McCauley

J. Timothy McCauley, City Attorney

Memo

To: MEMBERS OF COMMON COUNCIL

From: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL 

Date: October 7, 1996

Re: PROPOSED AMENDMENT TO CITY CODE SECTION 40.09

Under the present provisions of the City Code, on otherwise expired collective bargaining agreement remains in effect until the specified negotiating procedures are exhausted. One final step specified in City Code Section 40.09 is mediation through the Federal Mediation and Conciliation Service (FMCS). As a result of the specified process, negotiations have extended more than eighteen (18) months after the expiration date of a contract.

Moreover, in the private sector, once impasse occurs, management has no duty to deduct union dues from the employee's pay nor does management have any duty to arbitrate grievances that arise after impasse is declared.

The proposed amendment would:

1. Eliminate the requirement of mediation through the FMCS.
2. Allow for the declaration of impasse after the procedures outlined in City Code Section 40.08 are completed.
3. Stop the payroll deduction of union dues once impasse is declared.
4. Eliminate the duty to arbitrate new grievances once impasse is declared.
5. Identify who may declare impasse.
6. Prohibit the implementation of new economic conditions unless approved by the Common Council.

DATED:

AYES

NAYS

ABSTAINED

ABSENT:

BENDER

CRAWFORD

EDMONDS

HALL

HAYHURST

HENRY

LUNSEY

RAVINE

SCHMIDT

~~DATED:~~

ATTEST:

(SEAL)

PRESIDING OFFICER

PAUL HEIMKE, MAYOR

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REPORT OF THE COMMITTEE ON
REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending City Code Section
40.09 and revising the procedures for negotiating Collective Bargaining
Agreements with Non-Public Safety Unions

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas E. Hayhurst
Rebecca Ravine
William J. ...
...
...
...
...
...

DATED: *10-22-96*

Sandra E. Kennedy
City Clerk